IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2016 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NAVINCHANDRA RAMSHANKER JOSHI

Versus

STATE OF GUJARAT

Appearance:

MR UM PANCHAL for MR DD VYAS for Petitioner

MR HH PATEL for Respondent No. 1

NOTICE SERVED for Respondent No. 2

MR MN DEVNANI for MR YOGESH S LAKHANI for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/01/2001

ORAL JUDGEMENT

1. Heard the learned counsel for the parties and perused the special civil application and the relevant pay-scale rules.

2. The petitioner is praying for direction to the respondents to give him the pay scale of Rs.1200-2040 as specified in the 4th Pay Commission as he was entitled to be fixed in the pay-scale of Rs.330-560 of Desai Pay Commission with effect from the date from which the said benefit was accrued to him. In the alternate, during the course of arguments, learned counsel for the petitioner contended that the petitioner at least should have been given the revised pay scale corresponding to the pay scale of Rs.290-560 as per the recommendations of the 4th Pay Commission.

3. The petitioner is an employee of the Panchayat and he is claiming the parity in the pay scale with the employees of the State Government. Leaving apart the question whether the petitioner can claim such a parity or not, learned counsel for the petitioner has failed to point out from the pay scale rules, the pay scale which has been fixed/prescribed for the post of Principal of Balmandir. Unless that pay scale is prescribed in the Pay Scale Rules, how the same can be granted to the petitioner. The petitioner made reference to Entry No.63 in the document at page No.75 and contended that the Senior Trained Teacher (Primary/Junior Teacher K.G. Teacher & Sr.Trained Teachers) are given the pay scale of Rs.290-560 and this pay scale has to be given to the petitioner. However, the petitioner has failed to make out any case for this parity also. Senior Trained Teachers (Primary/Junior Teacher K.G. Teacher & Sr. Trained teacher) are different posts than the Principal of Balmandir and unless that post is specifically mentioned in the revised Pay Scale Rules or under some Government resolution or circular, how far it is justified by the petitioner to make this claim. The claim of the petitioner is wholly misconceived. The petitioner was given the pay scale of Rs.160-265 w.e.f.1-6-67 as per the Sarela Pay Commission. In the year 1983, as per the Desai Pay Commission, he was granted pay scale of Rs.260-400. After so many years of this pay scale granted to the petitioner, the petitioner started to make claim for the pay scale of Rs.330-560 and in the alternate for Rs.290-560. Reliance placed by the petitioner on Entry No.63 as aforesaid is of little help to him.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

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zgs/-